DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB−1294/3dn
PJK:jld:rs

May 18, 2005

Thank you to Michael Gough for striking, bolding, and underlining his suggested changes. It was much easier to follow. I want to explain my deviations from his suggested changes.

1. I did not use "court *should* grant" instead of "court *may* grant" partly because of drafting convention. Normally a judge is either authorized (may) or directed (shall) to do something. In this case, the judge is correctly *authorized*, and should not be *directed*, to grant electronic communication, because the bill provides a standard for the judge to use in making the decision, i.e., whether it is in the child's best interest and whether the equipment is reasonably available to both parents. (That same reasoning applies to the use of the word "should.") If you don't like the use of the word "may," another option would be to direct the court (shall) to grant electronic communication if the court finds that it is in the child's best interest and that the equipment is reasonably available to both parents.

2. I did not change "*a* parent" to "*each* parent" in proposed s. 767.24 (4) (e). The use of "a parent" *means* either or both, but to make it absolutely clear, I changed "*a* parent" to "*either or both* parents." If it is changed to "each parent," the implication is that the court may not grant electronic communication to one of the parents unless the court grants it to both. Additionally, what if only one of the parents wants or requests electronic communication? You wouldn't want to prevent the court from granting electronic communication to only one of the parents in some situations.

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